



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,851	12/28/2001	John N. Kesler	30826-1001	2797

5179 7590 04/14/2004

PEACOCK MYERS AND ADAMS P C  
P O BOX 26927  
ALBUQUERQUE, NM 871256927

EXAMINER

VELEARD-JACQUES

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 04/14/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

# Office Action Summary

Application No.

10/040,851

Applicant(s)

KESLER, JOHN N.

Examiner

Jacques Veillard

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2175

### DETAILED ACTION

1. This action is responsive to the applicant's Affidavit or Declaration and request for reconsideration (Paper Nos. 6 and 7) filed on 2/2/2004.
2. Claims 1-21 are pending and presented for examination.

### *Examiner's Remark*

3. The affidavit filed on 2/2/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the rejection made with the Kaufman Michael Philip reference.

The examiner acknowledges applicant's exhibits (A, B and C), however, applicant fails to specifically point out or map specific portions and dates that corresponds to specific limitations of the pending claims 1-21 in the applicant's submitted both affidavit or declaration under 37 CFR 1.131 and Exhibits. The Exhibits A and B, in particular, exhibit A merely shows a print out of a source code from a software program known as AppQuest (exhibit B). However, there is no relation between the sets forth exhibit and the applicant (John N. Kesler)'s claims invention in the applicant's submitted both affidavit or declaration and Exhibits.

In 37 CFR 1.131(b) "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and from of the affidavit or declaration or their absence satisfactorily explained. (See M.E.P.. 715).

For example in the independent Claim 1, the claim recites "**utility software extracting schema information from the relational database and automatically generating corresponding schema and user interface metadata**" corresponds to which specific part of the Applicant's exhibits?; "**a repository for said metadata**" corresponds to which specific part of the Applicant's exhibits?; "**and user interface software automatically developing from the**

Art Unit: 2175

metadata a user interface appropriate to the relational database” corresponds to which specific part of the Applicant's exhibits. It is important to note that there is no relation or teaching of a computer software for automatically generating a user interface for the relational database in the Applicant's submitted exhibits. In the declaration (Paper no 7), applicant's exhibits, in particular exhibit A only provides a print out of a source code from a software program known as AppQuest, such print out does not indicated how the claimed languages correspond to the applicant's exhibit. The examiner cannot find applicant's claims 1-21 in the exhibit A. Therefore, applicant hereby required specifically pointing out or mapping each claim limitation into his/her submitted exhibits in response to this office action.

4. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the cited reference. The rejection of the claims is set forth below.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2175

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaufman, Michael Philip (WO 02/059793 A2, hereinafter Kaufman).

As per claim 1, Kaufman discloses a similar Computer software for automatically generating a user interface for a relational database (See the title and the abstract). In particular, the Kaufman's software comprising: utility software extracting schema information from the relational database and automatically generating corresponding schema and user interface metadata (See Page 3, lines 5-8, and lines 19-28). Applicant should duly note Kaufman shows that the user interface (UI) is built based on automated interrogation of Relational Database Management System (RDMS). As to a repository for said metadata, it is inherent in Kaufman since the Kaufman's user interface (UI) is designed for large database schema which are repository for storing data as well as metadata; and user interface software automatically developing from the metadata a user interface appropriate to the relational database (See the abstract, and Page 3, line 1 through Page 4, line 12).

As per claims 8 and 15, the claims have substantially the same limitations as claim 1. These limitations have already been addressed in the rejection of claim 1. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claim 1 above.

As per claims 2, 9, and 16, Kaufman discloses the claimed invention limitations, wherein said schema and user interface metadata comprise entities, entity fields, entity relationships, and entity search paths (See Figs. 5 –6 and corresponding text).

As per claims 3, 10, and 17, Kaufman discloses the claimed invention limitations, wherein said schema and user interface metadata comprise entity relationships comprising one-to-many, many-to-one, and many-to-many relationships (See Fig.6 and corresponding text).

As per claims 4, 11, and 18, wherein said automatically developed user interface comprises context menus specific to type of entity relationship, Kaufman discloses a dropdown list corresponding to context menus specific to type of entity relationship (See Page 20, line 23 through Page 21, line 18).

As per claims 5, 12, and 19, Kaufman achieves, wherein said schema and user interface metadata additionally comprises platform attributes for abstracting syntactic differences between database implementations, by providing computer languages such as JAVA and JSP that allow platform attributes for abstracting syntactic differences between database to be implemented (See Page 3, lines 19-24).

As per claims 6, 13, and 20, the software permitting addition of non-automatically generated functionality to said developed user interface selected from the group consisting of

Art Unit: 2175

scripts, external components, business rules, and triggers are primary components of computer languages such as JAVA and JSP. These features are inherent in Kaufman.

As per claims 7, 14, and 21, Kaufman achieves the claimed invention limitations, wherein said utility software refreshes said metadata after schema changes are made to the relational database, by implementing his system with the Internet Explorer browser. It is customary when using the Internet Explorer to refresh a browsing page or data by selecting the refresh button under the view tool bar (See Figs. 1-4, 7, 8, and 99A-9E).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any response to this action should be mail to:

Art Unit: 2175

Commissioner of Patent and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 746-7239 (for formal communication intended for entry)

**Or:**

(703) 746-7240 ( for informal of draft communications, please label

“PROPOSED” or “DRAFT”)

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.

VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on ( 703) 305-3830. The fax phone number for this group is (703) 308-5403.



---

Jacques Veillard  
Patent Examiner TC 2100

April 5, 2004



**CHARLES RONES**  
**PRIMARY EXAMINER**